

EXHIBIT 2

Excerpts of Deposition of Edward Blum

Students for Fair Admissions, Inc. v. UNC at Chapel Hill, et al.
Edward Blum on 05/12/2017

30(b)(6)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
3 CASE NO.: 1:14-CV-954

4 -----X
5 STUDENTS FOR FAIR ADMISSIONS, :
6 INC., :
7 :
8 Plaintiff, :
9 :
10 v. :
11 :
12 THE UNIVERSITY OF NORTH :
13 CAROLINA AT CHAPEL HILL, :
14 et al., :
15 :
16 Defendants. :
17 -----X

18 SUBJECT TO CONFIDENTIALITY AND PROTECTIVE ORDER

19 DEPOSITION OF EDWARD BLUM, INDIVIDUALLY
20 AND AS THE RULE 30(B)(6) DESIGNEE OF
21 STUDENTS FOR FAIR ADMISSIONS, INC.
22 (Taken by Defendants)
23 Charlotte, North Carolina
24 May 12, 2017

25 Reported by: Dayna H. Lowe
Court Reporter
Notary Public

1 for Fair Admissions?

2 A. No.

3 MR. STRAWBRIDGE: Object to the form of the
4 question.

5 A. No.

6 BY MR. SCUDDER:

7 Q. Okay. How about Twitter?

8 A. I don't. I've never sent a Tweet.

9 Q. Okay. Do the organizations -- the two
10 organizations that we've talked about, do they use
11 Twitter to communicate?

12 A. I think they do.

13 Q. And who would do that communicating via
14 Twitter?

15 A. Engage.

16 Q. Engage DC?

17 A. Correct.

18 Q. Okay. And Engage DC, if they do engage in
19 such communications via social media, how do they know
20 what to communicate?

21 A. They -- at the beginning of a campaign they
22 will send me a chronology of Tweets and posts that they
23 think would be appropriate to meet the goals of the
24 campaign, and I approve those Tweets and posts.

25 Q. I see. Who's your point of contact at

1 Q. Are you assisted by anybody else? I'm not
2 asking for a name, but anybody else?

3 A. Sometimes I will ask one of our counsel to
4 join me on a trip to explain the status of a case.

5 Q. Okay. But there's no -- you don't have an
6 employee that shoulders responsibility for some aspect
7 of fund-raising?

8 A. No.

9 Q. How much time would you estimate last year,
10 let's just say calendar 2016, that you devoted to
11 fund-raising for Students for Fair Admissions?

12 A. Mr. Scudder, I wouldn't know where to begin to
13 answer that question. I can't -- I can't quantify it.
14 It's --

15 Q. So without trying to -- I understand. Without
16 trying to quantify it, what kind of activities does the
17 fund-raising entail, just by category?

18 A. Sure. Drafting grant proposals, sending grant
19 proposals, following up on grant proposals, making
20 presentations to foundations, making presentations to
21 individuals, phone calls to individuals and foundations,
22 email requests. That's about it.

23 Q. Do you do that from -- you do that from your
24 personal residence or office space?

25 A. Personal residence.

1 Q. Is that how you think of it?

2 A. Yes.

3 Q. In the paragraph 4.05, do you see it there?

4 A. I do.

5 Q. Is there any -- is there any way under that
6 provision, to your knowledge, for a member to
7 participate in the removal of a director?

8 MR. STRAWBRIDGE: Object to the form of the
9 question.

10 A. At the time this document -- at the time of
11 this -- I think the answer is no.

12 BY MR. SCUDDER:

13 Q. Okay. How often does your board of directors
14 meet?

15 MR. STRAWBRIDGE: Just one moment, Counsel.
16 I'm sorry.

17 MR. SCUDDER: Sure.

18 MR. STRAWBRIDGE: Counsel, are you speaking
19 generally or are you asking for dates of specific
20 meetings?

21 MR. SCUDDER: No. Generally.

22 MR. STRAWBRIDGE: You may answer the question
23 generally.

24 A. Quarterly.

25 BY MR. SCUDDER:

1 Q. So approximately four times per year?

2 A. Approximately four times. Some -- most years
3 a minimum of four. Sometimes a meeting will be called
4 to discuss an individual matter.

5 Q. Understood. Without asking about what
6 occurred in any particular meeting, and again staying
7 general, do those meetings occur in person?

8 A. They're telephonic.

9 Q. And have each of them been telephonic?

10 A. Yes.

11 Q. Has the board ever, to your knowledge, met in
12 person?

13 A. No.

14 Q. And again without getting into the substance
15 of any particular meeting, in advance of a meeting is
16 there an agenda prepared to inform directors of what
17 will be discussed at the meeting?

18 A. Yes.

19 Q. And are those agendas ones that you maintain?

20 A. Myself and counsel typically provide an email
21 to the board members with topics to be discussed.

22 Q. Okay. Without telling me about the content of
23 any particular agenda, who prepares the agenda?

24 A. It's a joint effort.

25 Q. And are there minutes kept of the meetings

1 MR. STRAWBRIDGE: I'd caution that you may
2 generally describe types of things the board discusses
3 at those meetings, but please do not disclose any
4 specific discussions. Keep it general, as I understand
5 the question calls for.

6 MR. SCUDDER: Yes.

7 A. We discuss the status of litigation. We
8 discuss articles of interest that have appeared about
9 our topic. We discuss future litigation.

10 BY MR. SCUDDER:

11 Q. Topically that's generally what comes to mind?

12 A. Yes.

13 Q. When you say -- and I'm not asking about any
14 specifics. When you say "articles of interest," things
15 that are published that appear in the press --

16 A. Yes.

17 Q. -- or scholarly literature or commentary and
18 the like?

19 A. Correct.

20 Q. Who would you say manages the day-to-day
21 activities of the organization?

22 A. I do.

23 Q. And what are those activities?

24 A. Communication with counsel, communication with
25 members, fund-raising, outreach, media relations.

1 Q. With the quarterly meetings, approximately how
2 long do they last?

3 MR. STRAWBRIDGE: I don't know --

4 BY MR. SCUDDER:

5 Q. I'm not asking you about any content or any
6 topics of discussion. How long would you estimate they
7 last on average?

8 MR. STRAWBRIDGE: Counsel, one second. As I
9 understand the question, the question is on average how
10 long does a board of directors meeting last, and you're
11 not seeking information about the length of any
12 particular meeting.

13 MR. SCUDDER: Exactly right.

14 MR. STRAWBRIDGE: You may -- consistent with
15 our agreement, you may answer that question.

16 A. About 45 minutes.

17 BY MR. SCUDDER:

18 Q. Okay. How would you describe the mission or
19 purposes of the organization, Students for Fair
20 Admissions?

21 A. The mission is to eliminate the consideration
22 of race in K through 12 admissions decisions and higher
23 education admissions decisions.

24 Q. What are the means that the organization
25 pursues to achieve that mission?

1 MR. STRAWBRIDGE: Object to the form of the
2 question. You're not calling for any specific action?

3 MR. SCUDDER: No. I can make clear, I'm not
4 intending with any question to breach the agreement that
5 we reached coming into today.

6 MR. STRAWBRIDGE: And I'm not suggesting that
7 you are, Counsel. I just want to make sure the witness
8 understands.

9 MR. SCUDDER: I understand.

10 A. We primarily rely on litigation to achieve our
11 mission.

12 BY MR. SCUDDER:

13 Q. Okay. And do you rely upon anything
14 secondarily to achieve your mission?

15 A. Advocacy. Yes, advocacy and -- yes. Just
16 call it advocacy.

17 Q. And when you say "advocacy," what do you mean
18 by advocacy?

19 A. Educate the American public about the unfair
20 and unconstitutional uses of race by educational
21 institutions in their admissions policies.

22 Q. And with respect to the advocacy prong of the
23 mission or that aspect of the mission, how do you go
24 about pursuing those educational efforts?

25 A. Speeches, debates, forums, one-on-one

1 Q. Yes.

2 A. Yes.

3 Q. Okay. Can you approximate the percentage?

4 A. Well, let me see if I can quantify it for you.

5 We did not assess a membership fee from inception
6 through the date or shortly after the date of these
7 amended bylaws.

8 Q. Right.

9 A. At that point we had over 20,000 members.
10 When we assessed the membership fee, then our membership
11 has continued to grow, but not anything like the numbers
12 prior to that.

13 Q. Right. So what I am taking away is that at
14 the time that the board made that decision in June of
15 2015, you had a membership in the area of
16 20,000 members. Today you have a membership in the
17 ballpark of 21,500 members, so approximately
18 1500 members have been asked to pay a one-time
19 assessment?

20 A. No. My numbers -- I think by the time we
21 instituted and were able to actually have the mechanism
22 to collect the \$10, which took some time, we have added
23 I believe about a hundred new members who have paid
24 their membership fee. Not the 1500.

25 Q. I see. You're just talking about the

1 MR. STRAWBRIDGE: We can go through the
2 record.

3 BY MR. SCUDDER:

4 Q. Can you identify what percentage of that
5 number of individuals, the 21,500 members of the
6 organization, have not yet applied to college?

7 MR. STRAWBRIDGE: I think I have the same
8 objection and the same instruction on that one.

9 BY MR. SCUDDER:

10 Q. What's the process for becoming a member? If
11 an individual wanted to join, can you just walk me
12 through that?

13 A. Sure. The Students for Fair Admissions
14 website allows an individual to provide us his first and
15 last name, I believe his ZIP code, his cell number
16 optionally, and I do think there is a field in which the
17 prospective new member can tell us a little bit about
18 himself or herself, and there is a donate or a join
19 button. Activating that button then takes the
20 prospective member to a payment page in which the
21 prospective member makes his \$10 donation via credit
22 card and submits it. That person thereafter is a member
23 of Students for Fair Admissions.

24 Q. Okay. If an individual goes through each of
25 the steps that you just described, is there an

1 join and been denied?

2 A. No.

3 Q. Does the organization do anything to recruit
4 members?

5 A. Yes.

6 Q. Can you walk me through those activities?

7 A. What I detailed before. I'm invited to give
8 talks, participate in forums. I encourage members and
9 friends and associates to send the link, the membership
10 link, to their friends and associates. We have -- we
11 have engaged Engage DC to send the Students for Fair
12 Admissions, I guess, portal to individuals who use
13 social media and things like that.

14 Q. Okay. And then I think when you reference
15 some of your -- you just alluded to your prior answers,
16 the talks that you gave, for example, in northern and
17 southern California to the Asian affinity groups. Would
18 those fairly be characterized as, at least in part,
19 recruiting in nature?

20 A. Yes.

21 Q. Upon joining, becoming a member and receiving
22 the welcome letter that you described, are there any
23 communications with members that inform them of rights,
24 responsibilities, privileges, opportunities that
25 associate with membership?

1 A. They have the right to elect a board member.

2 Q. Do they have any other rights?

3 A. They have the right to contact us, express
4 opinions. They have, I guess, the right to resign if
5 they don't like our activities. They have no other
6 rights that I know of than what I've just described.

7 Q. And apart from the request for the \$10
8 one-time assessment, do members have any obligations
9 imposed upon them?

10 A. No.

11 Q. Do they have any responsibilities, any
12 expectations of them --

13 A. No.

14 Q. -- communicated to them? And you testified
15 earlier, I believe, that the election of a member
16 director in fact occurred?

17 A. Yes.

18 Q. Pursuant to the July 2015 amended bylaw
19 provision?

20 A. Yes.

21 Q. Are there ever any in-person gatherings of the
22 organization at which members attend? Just a means
23 of -- do you ever do any in-person gatherings?

24 MR. STRAWBRIDGE: I guess I feel like that
25 calls for --

1 MR. SCUDDER: I don't see how it's any
2 different than email.

3 MR. STRAWBRIDGE: You're not asking for a
4 specific gathering, you're just wanting to know
5 generally what types of --

6 MR. SCUDDER: Not a date, I don't care who was
7 there, who was not there.

8 MR. STRAWBRIDGE: You can answer that
9 question.

10 A. Okay. We've never had a convention or
11 anything like that. We've never had a formal invitation
12 go out to 21,000 people asking them to join us in, you
13 know, Milwaukee or St. Louis or something for a
14 conference.

15 BY MR. SCUDDER:

16 Q. No. Understood. I just want to make sure --
17 and I don't want to pick on the word "convention," but a
18 lot of times organizations will offer an opportunity to
19 convene around an annual meeting. Quite common in the
20 corporate world.

21 A. Yes.

22 Q. Right. You know that.

23 A. Sure.

24 Q. Okay. Is there any such opportunity that's
25 extended to your membership here?

1 A. Just telephonic.

2 Q. Okay. I just want to ask about another means,
3 not specific communications. Are members ever gathered
4 in like a -- you know what I mean when I refer to it as
5 like a chat room?

6 A. Yes.

7 Q. Is there ever any convening of the membership
8 in a forum like that?

9 A. Informally.

10 Q. And what do you mean by that?

11 A. Many of our members are immigrant Chinese who
12 make use of a social media platform called WeChat, and
13 often I'm informed that there is a WeChat discussion
14 group in progress discussing the Students for Fair
15 Admissions and their activities.

16 Q. And you choose or not choose as you see fit to
17 participate from there?

18 A. I always try to participate.

19 Q. I want to ask you about -- you referred to --
20 I think you called it an annual report or an annual
21 letter?

22 A. Yes.

23 Q. Why don't we take a look at a couple of those
24 if you don't mind.

25 A. Sure.